

Ryken, Gloria

Subject: FW: Concerning Letting for the Norfolk & West Point Area

Answers provided by NDOR.

From: Cindy Buchholz [<mailto:camping@gpcom.net>]
Sent: Thursday, March 10, 2011 9:17 AM
To: Ryken, Gloria
Subject: Concerning Letting for the Norfolk & West Point Area

Forward to Kevin Domagalla & Rod Weber & whoever this applies to:

1. Question about torn up areas that have to be reseeded by the contractor at his cost? How many areas do you think now are torn up? Is it Hwy 51 on both sides where they have regraded the last 2 years? Is it Hwy 275 east and west of Norfolk expressway that has wash outs at the present time? Is it Hwy 81 North and South that has wash out & torn up areas at the present time? It is Hwy 35 that also has wash outs and a lot of bare ground on both sides? Is it Hwy 32 by West Point that has been graded for the last 2 yrs. that hasn't been reseeded? Is it Hwy 57 on both sides that is already washed out?

Answer: There have been some erosion on the shoulders, and NDOR has completed some repairs and will address any future repairs as needed that aren't caused by right of way mowing. The Contractor will not be responsible for reseeding areas that the Contractor did not damage. Please be aware there is a very real possibility there may be washouts on the shoulders of any highway throughout the State. Please refer to page 7 of the General Provisions, under Damage to Highway Property:

DAMAGE TO HIGHWAY PROPERTY: The contractor shall carry out operations in such a manner so as to not damage existing ground areas, trees, shrubs, signs, delineator posts, mail boxes and posts, or other roadside features. The contractor shall not mow in wet conditions where turf damage or rut damage would occur. In the event damage should occur to any of the above-mentioned features, regardless if it is State or private property, the contractor shall replace or repair the damaged areas or items at no cost to the Department of Roads. The operator shall straighten delineators and signs that are bent over during the mowing operations, at the time damage occurs. In the event highway traffic control and/or warning signs are damaged beyond repair, the operator shall notify the Area Maintenance Superintendent immediately so that replacement of the damaged sign(s) can be made. The cost of such repair and/or replacement of damaged State property shall be deducted from any payment due the contractor. The cost of repair and/or replacement of damaged private property shall be the responsibility of the contractor and the property owner, with no involvement of the Department of Roads.

2. Who will have to get the permits from Army Corp of Engineers, DNR, or the EPA? If so who's going to put up the silt fence and bale checks on all of these roads that need reshoulder and reseeded?

Answer: Please refer to page 2 of the General Provisions, under Permits, Regulations, Laws and page 7 under Damage to Highway Property:

DAMAGE TO HIGHWAY PROPERTY: The contractor shall carry out operations in such a manner so as to not damage existing ground areas, trees, shrubs, signs, delineator posts, mail boxes and posts, or other roadside

features. The contractor shall not mow in wet conditions where turf damage or rut damage would occur. In the event damage should occur to any of the above-mentioned features, regardless if it is State or private property, the contractor shall replace or repair the damaged areas or items at no cost to the Department of Roads.

PERMITS, REGULATIONS, LAWS: The contractor shall procure and pay for all permits, licenses and approvals necessary for the execution of the contract. The contractor shall comply with all applicable local, state, and federal laws, ordinances, rules, orders and regulations.

3. Who is going to make sure all the broken off delinerator posts and sign posts are fixed before first mowing as this causes a lot of flat or ruined tires and extra cost to the contractor?

Answer: NDOR repair signs on an ongoing basis. There are no plans to conduct an in-depth inspection prior to the first mowing. Please refer to the answer to question 4.

4. Concerning the repairing of blacktop who is going to haul away the old torn out blacktop that is being pushed off on the side of the road causing damage to the mowers, operator and the general public driving by. This also causing rising cost to the contractor.

Answer: There is probably debris on the shoulder from regular maintenance or normal aging of the pavement. There is also trash and other debris on the shoulder and the contractor should be aware of this and take steps to minimize any damage. This is a highway shoulder and it is expected that many different things could be encountered while mowing. Please also refer to page 7 of the General Provisions, under Contractor Liability:

CONTRACTOR LIABILITY: The contractor shall assume full liability for hazards to traffic that might be created by the mowing operations and save harmless the Nebraska Department of Roads. It is the contractor's responsibility to clear the roadway surface of foreign objects such as tires, logs, cans, bottles, excessive vegetation, etc. that may become a hazard to highway users.

Please reply online on the internet on the nebraska department of roads procurement page. I will be checking later tonight as i am busy today.

Sincerely,

Brian Buchholz